

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

MELANIE PUTNAM,

Plaintiff,

v.

SUNBEAM PRODUCTS, INC.,
A foreign for-profit corporation authorized to
do and doing business within the State of
Florida

Defendants.

Case No.

Removed from Circuit Court,
Palm Beach County, FL

NOTICE OF REMOVAL AND COPIES OF ALL PROCESS AND PLEADINGS

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant, Sunbeam Products, Inc., (“Defendant”) submits the following Notice of Removal from the Circuit Court for the Fifteenth Judicial Court in and for Palm Beach County, Florida, the Court in which the above-referenced matter is now pending, to the United States District Court for the Southern District of Florida. In support of Defendant’s Notice of Removal, it states as follows:

Nature of Action

1. This action allegedly arises out of an incident occurring on March 30, 2020, where Plaintiff alleges while using the pressure cooker it exploded causing hot liquid to be projected onto her causing her to be scalded. (See Exhibit A).

2. Plaintiffs commenced this action on March 20, 2023, by filing a complaint in the Circuit Court for the Fifteenth Judicial Court in and for Palm Beach County, Florida.

3. Pursuant to 28 U.S.C. § 1446(a), Defendant attaches copies of all process, pleadings and orders filed in the Circuit Court for the Fifteenth Judicial Court in and for Palm Beach County, Florida case. (See Exhibit A).

Timeliness of Removal

4. Defendant was served with the complaint on March 28, 2023.

5. This Notice of Removal is being filed within thirty (30) days after service of the complaint and is therefore timely pursuant to 28 U.S.C. § 1446(b)(1).

Amount in Controversy

6. A defendant's notice of removal need only include a "plausible allegation" that the amount in controversy exceeds the jurisdictional threshold. *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 554 (2014) (citing 28 U.S.C. § 1446(a)).

7. "The amount in controversy is not measured by the low end of an open-ended claim, but rather a reasonable reading of the value of the rights being litigated." *Auto-Owners Ins. Co. v. Stevens & Ricci*, 835 F.3d 388, 401 (3d Cir. 2016)(quoting *Angus v. Shirley*, 989 F.2d 142, 146 (3d Cir. 1993)).

8. Plaintiff is seeking judgment for personal injuries in excess of the jurisdictional limits of all lower courts in which this action could otherwise have been brought. (See Exhibit A). Specifically, Plaintiff submitted a pre-suit settlement demand to Defendant for \$95,000.00. At the time of this filing, Plaintiff reaffirmed the \$95,000.00 settlement demand. (See Exhibit B, April 27, 2023 correspondence).

9. Accordingly, based upon a reasonable reading of the rights being litigated, the amount in controversy exceeds \$75,000, exclusive of interest and costs.

Diversity of Citizenship

10. According to Plaintiff's complaint, Melanie M. Putnam is a resident of the City of Charleston, County of Charleston, State of South Carolina. (See Exhibit A at para 10).

11. Defendant Sunbeam Products, Inc. is a Delaware Corporation with its principal place of business located in Atlanta, Georgia, and authorized to do business in the State of Florida. (See Exhibit A at para 14).

12. Pursuant to 28 U.S.C. §1332 (c)(1), full diversity exists among all parties in this action because Plaintiff is a citizen of South Carolina, and Defendant is a citizen of either the state of Florida or other states.

Plea for Removal

13. Insofar as the amount in controversy exceeds \$75,000.00 and full diversity exists between the parties, removal to this Court is proper pursuant to 28 U.S.C. §1332(a) and 28 U.S.C. §1441(a).

14. Written notice is being given to all parties and the Clerk of the Circuit Court for the Fifteenth Judicial Court in and for Palm Beach County, Florida, that this Notice of Removal is being filed with this Court.

WHEREFORE, Defendant, Sunbeam Products, Inc., respectfully requests that the entire state court action under Index No. 50-2023-ca-0003698-XXXX-MB currently pending in the Circuit Court for the Fifteenth Judicial Court in and for Palm Beach County, Florida, be removed to this Court for all further proceedings.

/s/ Catherine W. Higgins

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Attorney for Defendant, Sunbeam
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via E-Portal System to: Lisa A. Gorshe, at Johnson Becker, PLLC 444 Cedar Street, Suite 1800 St. Paul, MN 55101, lgorshe@johnsonbecker.com; on this 27th day of April, 2023. This certificate is taken as prima facie proof of such service in compliance with Fla. R. Jud. Admin. 2.516.

/s/ Catherine W. Higgins

Catherine W. Higgins

Florida Bar No. 112019